



General Assembly

Distr.
GENERAL

A/AC.159/SR.389
22 April 1991

ORIGINAL: ENGLISH

AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 389th MEETING

Held at Headquarters, New York,
on Thursday, 18 April 1991, at 3 p.m.

Chairman:

Mr. KALPAGE

(Sri Lanka)

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The meeting was called to order at 3.35 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued) (A/AC.159/L.61; A/AC.159/1985/CRP.2)

1. The CHAIRMAN invited the Committee to resume its consideration of the new text of draft rule 31 as proposed by the delegation of India.

2. Mr. PLATIS (Greece) said that the first two introductory lines of paragraph 2 should be retained in the interest of consistency. The requirement for a two-thirds majority on substantive issues was a kind of double qualified majority in that it included a simple majority of States participating in the Conference. Such a majority was sufficient to take decisions on all parts of the report. The phrase at the end of paragraph 2 was similar to rule 108 of the rules of procedure of the General Assembly, which also indicated the need for a majority of members to be present for a decision to be taken, and should be retained. It was not clear, however, why the proposed new rule referred to the report and not to the final document of the Conference, or why the Committee was dwelling on that question, when it had yet to deal with the most substantive element of its work, namely the Conference itself.

3. Mr. JAIN (India) said that the newly proposed rule 31 referred only to the report of the Conference, and not the final document, since the intent had been to draw a distinction between the report and substantive issues, requiring a two-thirds majority, which would include the adoption of the final document. With regard to the end of paragraph 2, his delegation could agree with the proposal made earlier by the representative of China. The point of that wording was, of course, to ensure that any decision adopted by the Conference stood a good chance of being implemented by the international community.

4. The matter dealt with in paragraph 7 related more to decision-making than to the quorum and he had therefore included it in the text of draft rule 31. Nevertheless, he could accept the inclusion of that provision in draft rule 16 as suggested in his delegation's proposed amendment contained in document A/AC.159/1985/CRP.2. It should be noted that rule 108 of the rules of procedure of the General Assembly also drew a distinction between the percentage of members needed to declare a meeting open and that needed to take decisions, namely, between procedural and substantive matters.

5. Ms. COURTNEY (Australia) said that the adoption of a final declaration would be a substantive matter requiring consensus, and that the final declaration would, in fact, be part of the report of the Conference. With regard to majorities, her delegation was not convinced that, for substantive

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Ms. Courtney, Australia)

decisions to be adopted, two thirds of participating States would need to be present and that substantive decisions would require the support of two thirds of those actually present and voting. Those countries which were not present were absent by choice and, by definition, would be bound to support whatever decisions were adopted in their absence.

6. With regard to draft rule 31, the entire text should be placed within square brackets, as should elements of paragraphs 2 and 6, and all of paragraph 7, since no agreement had been reached. Her delegation did not wish to retain the final sentence of paragraph 3; in fact, it might wish to see draft rule 31 completely formulated or even to retain the formulation proposed in document A/AC.159/L.61.

7. The CHAIRMAN read out the text of draft rule 33, and said that, if he heard no objection, he would take it that the Committee agreed that it should be retained as contained in document A/AC.159/L.61.

8. It was so decided.

9. Mr. JAIN (India) said that the Chairman's summation covered only draft rules 1 through 30, but previous discussion had continued through rule 47. It would be helpful to the Committee to have the summary records of the discussions on the draft rules.

10. The CHAIRMAN read out the text of draft rule 34 and asked if there was an agreed formulation for its text.

11. Mr. JAIN (India) said that his delegation had proposed the insertion of the phrase "for this purpose" after "shall be regarded" in its last line. An abstention was regarded as a vote.

12. Ms. COURTNEY (Australia) said that the language of draft rule 34 was identical to that of rule 86 of the General Assembly Rules of Procedure. A simple majority was required when casting votes, but a country present at a meeting and abstaining was counted as part of a quorum. In the view of her delegation, the draft rule 34 should remain as it was.

13. Mr. JAIN (India) said that the addition would not change the intent of the rule. Delegations abstaining were counted as voting, but were not counted for purposes of a majority. The insertion would make that clear. At the previous session, the delegation of Australia had not expressed any reservations on the matter.

14. Mrs. MULAMULA (Tanzania) said that according to her notes from the July 1990 session, the delegation of India had not insisted on the proposed new language; accordingly, it had not been inserted.

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15. The CHAIRMAN said that since he heard no support for the proposed amendment to the last sentence of draft rule 34, he would take it that the Committee agreed to accept the wording as contained in document A/AC.159/L.61.

16. It was so decided.

17. The CHAIRMAN said that a review of the summary records from the July 1990 session indicated that the Committee had reached general agreement on draft rules 35 through 43, as formulated. If he heard no objection, he would take it that the Committee accepted those draft rules, with the exception of draft rules 31 and 32.

18. It was so decided.

19. The CHAIRMAN said that it was his understanding that general agreement existed on the text of draft rules 44 through 50 of the draft rules as contained in document A/AC.159/L.61. If he heard no objection, he would take it that the Committee accepted them.

20. It was so decided.

21. Mr. KHERADI (Senior Adviser), responding to a question from Mr. PLATIS (Greece), regarding paragraph 1 of draft rule 51, said that the number of days allowed for the submission of corrections to summary records would depend on the length of the Conference as finally determined.

22. The CHAIRMAN said that, with that clarification by the Secretariat, he would take it that the Committee wished to accept draft rule 51.

23. It was so decided.

24. Mr. JAIN (India), with regard to rule 52, paragraph 2, wondered why meetings of other organs of the Conference would be held in private and not in public.

25. Ms. COURTNEY (Australia) said that meetings of working groups and credentials committees, for example, were normally held in private, but such determinations should be made by the Conference. If the Committee was unable to find an acceptable formulation, perhaps paragraph 2 could be deleted.

26. Mr. JAIN (India), supported by Mr. HAGOSS (Ethiopia) and Ms. COURTNEY (Australia), proposed that paragraph 2 of draft rule 52 should be deleted and that the phrase "of other organs" should be inserted after the words "main committee" in paragraph 1.

27. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee accepted draft rule 52 as orally amended.

28. It was so decided.

29. The CHAIRMAN read out the text of draft rule 53, and said that, if he heard no objection, he would take it that the Committee accepted the text as it stood.

30. It was so decided.

31. Ms. COURTNEY (Australia) said that draft rule 54 was out of date, as it had been drafted before the independence of Namibia and should be deleted.

32. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to delete draft rule 54.

33. It was so decided.

34. The CHAIRMAN invited the Committee to consider chapter XI of the draft rules of procedure, which covered draft rules 55 through 61.

35. Ms. COURTNEY (Australia) said that, until the representation and nature of the Conference on the Indian Ocean had been determined and its parameters decided, her delegation could not agree to draft rules 55 through 60. She suggested that their consideration should be deferred.

36. The CHAIRMAN asked whether the Committee could examine the text of those rules subject to later consideration in the light of final determinations regarding the Conference.

37. Mr. HAGOSS (Ethiopia) said that he had assumed that the Conference on the Indian Ocean would be a United Nations conference, or would be held under its auspices. That was the only reason for continuing to work within the structure of the Ad Hoc Committee. If serious questions existed about its status as a United Nations conference, then he would also question the rationale for the Committee's continued existence. Since the draft rules of procedure were provisional, he saw no harm in making the assumption that it would be a United Nations conference.

38. Mr. PLATIS (Greece) said that he believed that the Committee should consider chapter XI, but should not give undue weight to the reservations of a few delegations regarding the Conference. He, too, hoped that the Conference on the Indian Ocean would be a United Nations conference.

39. Ms. COURTNEY (Australia), in reply to the representative of Ethiopia, said that her delegation's viewpoint had remained consistent. The conference should be open to littoral and hinterland States and States of the Indian Ocean region, but not to all members of the United Nations, many of which were not directly involved in the region. Her Government was, however, flexible regarding United Nations involvement. Draft rule 55 was illogical, since it was impossible to designate observers until agreement had been reached on participation.

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40. Mr. SHA Zukang (China) recalled that the provisional agenda adopted at the July 1990 session referred to the Conference on the Indian Ocean as a United Nations conference. His impression had been that the Committee was now preparing a United Nations conference. Such agreement had been reached during the discussions on the agenda and the conclusions to be included in the Committee report. Of course, all delegations had the right to change their positions. He favoured the Chairman's suggestion that the Committee should continue its consideration of chapter XI of the draft provisional rules of procedure.

41. Mr. JAIN (India) agreed with the views expressed by the representatives of Ethiopia and China. It should be left to Member States to decide whether or not they wished to participate in the Conference, since there were no generally accepted criteria for determining entitlement to participation. Considerable progress had been achieved on the agenda for the Conference at the Committee's last session, and it should therefore not be difficult to reach agreement on its rules of procedure.

42. Ms. COURTNEY (Australia) said that section XI was highly problematic in that there was no consensus on the question of participation. Her Government was opposed in principle to the idea that all Member States were entitled to participate, and she drew attention in that connection to the fact that not all States were represented in the Ad Hoc Committee itself.

43. Mr. BANDARA (Sri Lanka) said that his delegation would submit a written proposal for draft rule 51 bis in time for consideration at the Committee's next meeting. He hoped that a decision on the proposal could be taken by consensus.

44. Ms. COURTNEY (Australia) said that the proposed rule 51 bis should be considered in the context of draft rules 31 and 32, and that discussion should therefore be postponed until the next meeting.

45. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to consider, at its next meeting, the proposed rule 51 bis in conjunction with draft rules 31 and 32. It could also consider the proposed new paragraph 2 of draft rule 50 in the same context.

46. It was so decided.

47. The CHAIRMAN said that, if there were no objections, he would assume that the Committee accepted the wording of draft rules 55 to 60.

48. It was so decided.

49. Ms. COURTNEY (Australia) said that her delegation had no difficulty in accepting draft rule 60 as currently worded, but she pointed out that it had yet to be determined whether non-governmental organizations should submit statements in writing in view of the time constraints of the Conference.

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50. Mr. HAGOSS (Ethiopia) said that draft rule 60 provided that oral statements would be made "upon the invitation of the Chairman of the Conference", which seemed to take care of the Australian representative's concern.

51. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee accepted the wording of draft rules 61, 62 and 63.

52. It was so decided.

53. The CHAIRMAN said that the Committee would conclude its consideration of the draft provisional rules of procedure for the Conference at its next meeting.

The meeting rose at 5.30 p.m.